IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 4836 of 2005

Between:

S. Kishan Kumar, S/o. Late S. Kistaiah,
R/o. 21-107/5/1, Sharadanagar, Gaddiannaram,

Saroornagar, Ranga Reddy District.

..... PETITIONER

AND

1 Government of Andhra Pradesh,

Rep. by its Special Chief Secretary,
Revenue Department, Secretariat, Hyderabad.
2 The Sub-Registrar, Champapet, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus declaring the action of 2nd respondent in refusing to register petitioner's sale deeds vide refusal orders in Nos. 305/2003, dt. 28-5-2003, No. 351/2003, dt. 30-5-2003, Nos. 566 to 568 dt. 5-8-2003 Nos. 336, 345, 380 and 253/2004 dt. 17-6-2004 and 29-3-2004 as illegal, improper, unjust and contrary to G.O.Ms.No. 807, Revenue (Registration-I) Department, dt. 13-10-2004 and consequently direct the 2nd respondent to release the sale deeds of the petitioner's after due registration of his respective plots as per G.O.Ms.No. 807 dt. 13-10-2004 by extending the benefit of judgments in W.P.No. 8705/2002, 18277 and 18278/2002 dt. 15-12-2004 and in W.P.No. 2414/2005 dt. 1-3-2005 and pass such orders as it may deem fit and just.

Counsel for the Petitioner: MR.K.VENKATESWARLU

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

Petitioner claims to have purchased plots of land in Sy.Nos. 57 to 60 of Karmanghat Village, Saroornagr Mandal, Rangareddy District, from the owners of the said land. His grievance is that the 2nd respondent, Sub-Registrar, is not entertaining the sale deeds for registration, on the ground that a notification was issued by the Government under Section 22-A of the Registration Act (for short 'the Act'), in respect of the said lands. Petitioner points out that the Government has since revised its order, and as on today, there does not exist any prohibition, in respect of the plots purchased by him.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

In exercise of its powers under Section 22-A of the Act, the Government issued G.O.Ms.No.751, dated 12.12.2001, prohibiting registration of documents, in relation to the land in various survey numbers including Sy.Nos.57 to 60 of Karmanghat Village, Saroornagar Mandal. If this notification is in force as on today, no relief, as such, can be granted to the petitioner. However, the Government issued subsequent orders in G.O.Ms.No.807, dated 13.10.2004. Through this, it has withdrawn its earlier orders in G.O.Ms.No.751, dated 12.12.2001. As on today, there is no restriction, insofar as it relates to the land in Sy.Nos.57, 58, 59 and 60 of Kharmanghat Village, Saroornagar Mandal. Therefore, there does not exist any prohibition for registration of the lands covered by those survey numbers. On an earlier occasion, this Court dealt with the same aspect in W.P.Nos.8705 of 2002 and batch, and took the view that the documents, in relation to the lands in those survey numbers have to be entertained and processed.

For the foregoing reasons, the writ petition is allowed, and the 2nd respondent is directed to process the documents presented by, or on behalf of the petitioner, and

take necessary steps in accordance with law.

A fact, which needs to be noticed in this case is that the 2nd respondent passed an order on 18.10.2002 refusing to entertain the documents, in view of the orders issued by the Government in G.O.Ms.No.751, dated 12.12.2001. Strictly speaking, the petitioner is required to avail the remedy of appeal. However, since it has emerged that the Government by itself had withdrawn the orders in G.O.Ms.No.751, dated 12.12.2001, the petitioner cannot be required to undergo the ordeal of preferring an appeal. Hence, the 2nd respondent shall process the documents presented by the petitioner, without reference to G.O.Ms.No.751, dated 12.12.2001, or the endorsement made by him on 18.10.2002. There shall be no order as to costs.

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(L.NARASIMHA REDDY,J)

Date: 11-03-2005

Note: Office to furnish copy

in four days.

(B/o.)

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To

1 Government of Andhra Pradesh,

Rep. by its Special Chief Secretary,
Revenue Department, Secretariat, Hyderabad.

2 The Sub-Registrar, Champapet, Ranga Reddy District.

3 Two CCs to the G.P for Revenue, High Court Buildings,

Hyderabad(O.U.T).

4 2 CD copies